

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CARLOS TERRILL MAXWELL,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-109-D
)	
STATE OF OKLAHOMA, et al.,)	
)	
Defendants.)	

ORDER

On March 1, 2013, United States Magistrate Judge Gary M. Purcell filed a Report and Recommendation [Doc. No. 6] in which he recommended that this action be dismissed without prejudice because Plaintiff failed to pay the filing fee or submit a motion to proceed *in forma pauperis*. Judge Purcell further noted that the Complaint asserts a civil rights violation under 42 U.S.C. § 1983, but it was not submitted on the form required for such claims. In the Report and Recommendation, Judge Purcell explained that a previous order had notified Plaintiff of these deficiencies and directed him to cure the same. The previous order also advised Plaintiff that his failure to do so would result in a recommendation that the action be dismissed without prejudice.

Plaintiff did not cure the deficiencies, and Judge Purcell filed the Report and Recommendation in which dismissal without prejudice was recommended. In the Report and Recommendation, he advised Plaintiff of his right to object, and set a deadline for filing objections. Judge Purcell also expressly cautioned Plaintiff that his failure to timely file objections would constitute a waiver of his right to appeal the findings and conclusions in the Report and Recommendation.

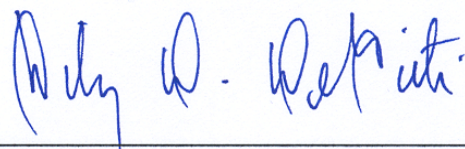
Plaintiff failed to object. However, the Court file reflected that, shortly after the Report and Recommendation was filed, Plaintiff submitted a change of address form to the Court Clerk. The

Court file also reflected that the copy of the Report and Recommendation, sent to his previous address, was returned as undeliverable. In a March 28, 2013 Order [Doc. No. 10], the Court found that Plaintiff did not receive the Report and Recommendation, and it directed that a copy be sent to him at his new address. The Court also granted him additional time, until April 19, 2013, to file objections to the Report and Recommendation. Plaintiff was again warned that failure to timely object would constitute a waiver of the right to appellate review of the findings and conclusions in the Report and Recommendation.

Although that extended deadline expired months ago, Plaintiff has never filed an objection to the Report and Recommendation, nor has he sought an extension of the deadline for doing so. In fact, the Court file reflects that Plaintiff has filed nothing in this lawsuit since the March 28, 2013 Order [Doc. No. 10] was filed.

Because Plaintiff has failed to object to the Report and Recommendation [Doc. No. 6], it is adopted as though fully set forth herein. This action is dismissed without prejudice to the filing of a future action. Because independent research by Court staff reflects that Plaintiff is now detained in the Payne County, Oklahoma, jail, the Court Clerk is directed to mail a copy of this Order to that address as well as to the last address provided by Plaintiff.

IT IS SO ORDERED this 7th day of January, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE